

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: ENFORCEMENT OF A RESTRAINING :
ORDER BY THE COURT OF MILAN FIRST :
CRIMINAL DIVISION, THE REPUBLIC OF :
ITALY TO RESTRAIN: :
:

THE 1909 PAINTING "COMPOTIER ET TASSE":
BY PABLO PICASSO, 38 X 55 CM IN SIZE :
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13 Misc.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/24/13

RESTRAINING ORDER PURSUANT TO
28 U.S.C. § 2467(d)(3)(A), (d)(3)(B)(ii) AND 18 U.S.C. § 983(j)(1)

This matter having come before this Court on the application of the United States of America for a restraining order, pursuant to 28 U.S.C. § 2467(d)(3)(A), (d)(3)(B)(ii) and 18 U.S.C. § 983(j)(1), which provides U.S. district courts with jurisdiction to register and enforce foreign restraining orders and take such other action in connection with any property or other interest subject to forfeiture in a foreign proceeding to ensure its availability for forfeiture; and, IT APPEARING TO THE COURT THAT:

WHEREAS, through the information provided to this Court in the Application and accompanying Memorandum of Law by the United States for a Restraining Order Pursuant to 28 U.S.C. § 2467(d)(3)(A), (d)(3)(B)(ii) and 18 U.S.C. § 983(j)(1), asking for enforcement of an Italian restraint order against the 1909 painting "Compotier et tasse" by Pablo Picasso, 38 by 55 centimeters in size (the "Picasso painting") in this District, the United States has established that:

- a. This Court has jurisdiction over the subject matter of this case;
- b. Pursuant to 28 U.S.C. § 2467 (c)(2)(B), venue is appropriate in the United States District Court for the Southern District of New York;
- c. The United States and the Republic of Italy are parties to a Mutual Legal Assistance Treaty which entered into force on February 1, 2010, providing for mutual forfeiture assistance. *Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance Between the United States of America and the European Union signed 25 June 2003, as to the application of the Treaty Between the United States of America and the Italian Republic on Mutual*

Assistance in Criminal Matters signed 9 November 1982, U.S.-Italy, May 3, 2006, S. TREATY DOC. NO. 109-13 (2006);

- d. The restraint order issued by the Court of Milan First Criminal Division, establishes that criminal proceedings are pending in Italy against the owner of the Picasso painting which is subject to forfeiture;
- e. The criminal conduct giving rise to forfeiture under Italian law constitutes conduct that would give rise to forfeiture under 18 U.S.C. § 981(a)(1)(C) or 28 U.S.C. § 2461(c) if committed in the United States;
- f. The Attorney General, in the interest of justice, has certified the attached Italian restraint order for enforcement against the Picasso painting for enforcement;
- g. The Italian restraint order appears to have been rendered under a system of law compatible with the requirements of due process;
- h. The Court of Milan First Criminal Division that entered the restraint order appears to have jurisdiction over the subject matter; and
- i. There is no indication that the Court of Milan First Criminal Division restraint order was obtained by fraud;

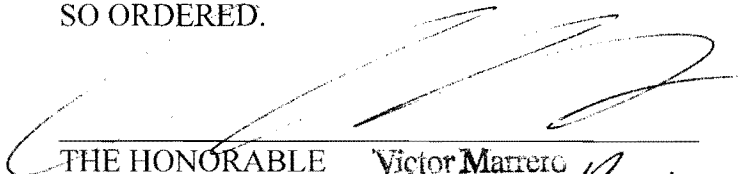
NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, PURSUANT TO 28 U.S.C. § 2467(d)(3)(A), (d)(3)(B)(ii) and 18 U.S.C. §983(j)(1), THAT:

- 1. The restraint order issued by the Court of Milan First Criminal Division, which is attached as Exhibit 1 to this order, is hereby registered and enforced with this Court;
- 2. The 1909 painting “Comptoir et tasse” by Pablo Picasso, 38 by 55 centimeters in size, presently held at Homeland Security Investigations (“HSI”) in New York, is hereby RESTRAINED;
- 3. All persons, including the owners, their agents, servants, employees, attorneys, family members and those persons in active concert or participation with them, and anyone holding any interest in the Picasso painting, be and are hereby ENJOINED AND RESTRAINED from transferring, selling, assigning, pledging, distributing, giving away, encumbering or otherwise participating in the disposal of or removal from the jurisdiction of this Court, without prior approval of this Court upon notice to the United States and an opportunity for the United States to be heard, except as specified in this Order or any future Orders entered by this Court;
- 4. HSI shall maintain custody of the Picasso painting, take all reasonable precautions to maintain the present condition and prevent the destruction or diminution in value of the Picasso painting. HSI shall make the Picasso painting available for viewing and inspection to the United States and its duly authorized representatives, agents or personnel, upon 24 hours notice;

5. The terms of this Order shall remain in full force and effect until the Italian criminal cases are concluded and any forfeiture judgments obtained therein have been presented for enforcement to this Court, or the Picasso painting is sought by Italian authorities to be released; and
6. The United States Department of Justice, Asset Forfeiture and Money Laundering Section, shall make its best efforts to provide a copy of this Court's Order upon the owners of the Picasso painting, and to anyone else known to the United States as holding a protected interest in the painting;
7. The United States Department of Justice, Asset Forfeiture and Money Laundering Section, may serve a copy of this Order on HSI by facsimile or electronic communication.

Dated: New York, New York
June 24, 2013

SO ORDERED.



THE HONORABLE Victor Marrero
United States District Judge
Southern District of New York

Part I